

**REMARKS**

Applicant submits these remarks in response to the Office Action dated December 5, 2003 ("Office Action"). Applicant have calculated the amount due in extension fees. In the event that Applicant is incorrect in their calculation, please charge any fee due in connection with this submission to Deposit Account No. 50-2212, Order Number 053403.026.1768.

Claim 1 of the pending application has been amended to more clearly describe aspects of Applicant's invention.

Applicant responds to the rejections as set forth below.

Claim Rejection -- 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-22 under 35 U.S.C. § 102(b) as being anticipated by Furukawa et al., U.S. Patent No. 6,044,133. Office Action at page 2-3. Applicant's respectfully assert that this rejection is improper.

"Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 57 (Fed. Cir. 2000). Additionally, the reference must arrange the elements in the same manner as claimed. *C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1348 (Fed. Cir. 1998).

Aspects of the presently claimed invention include a method, apparatus, user-interface, and system to enable users to take advantage of new and existing telephony features. The claimed invention facilitates the identification and presentation of a list of telephony documentation available during a call state. In contrast, unlike aspects claimed in the present invention, Furukawa et al. teaches away from the claimed invention. Furukawa et al. teaches the use of voice command to control a data processing device (DPD) 3. The use of voice command is key to Furukawa's invention, and all the actions by the invention are initiated or controlled by some type of voice command.

With respect to independent claims 1, 6, 10, 15, or 19, the Examiner cites Furukawa et al col. 7, lines 36-48 of the detailed description. ***This section relates to the voice announcement of the calling ID, and not the listing of telephony documentation of any kind.*** Indeed, nowhere in the recitation is configured structure “configured to identify a list of telephony documentation available during the call state, and configured to present the list to a user.” (claim 1), or display a list of any kind (claims 6, 10, 15, or 19).

With respect to dependent claims 2, 7, 11, 16, and 20, the Examiner is simply mistaken about the term “file transmission” as discussed by Furukawa et al. Turning to FIG. 2, it is clear that the Furukawa et al. invention facilitates the recording, playback, and sending of telephone conversations. The recorded conversation can be sent as a file transmission. However, this is not what is claimed by the claimed invention. The claimed invention relates to the downloading of updates to the existing Telephony Wizard application. The Furukawa et al. invention does not contemplate such an update.

### **CONCLUSION**

For these and other reasons, Furukawa et al. does not anticipate the claimed invention.

Applicant therefore respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. § 102(b).

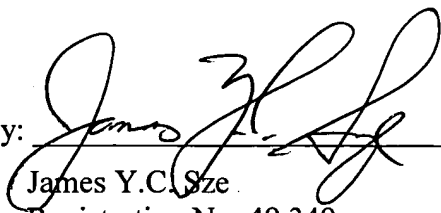
Applicant believes that for the reasons set forth above, all claims are now in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (858) 509-4008.



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Respectfully submitted,  
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